



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,436	08/25/2000	Thomas D. Holt	004117.P006X	6870

7590 03/05/2004

ERIC L. MASCHOFF
WORKMAN, NYDEGGER & SEELEY
1000 EAST SOUTH TEMPLE
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

PHAM, KHANH B

ART UNIT	PAPER NUMBER
----------	--------------

2177

15

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/649,436

Applicant(s)

HOLT ET AL.

Examiner

Khanh B. Pham

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6 and 10-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6 and 10-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-2, 6, 10-43 are rejected under 35 U.S.C. 102(e)** as being anticipated by **Lumsden** (US 6,006,217 A), hereinafter referred to as “Lumsden”.

As per claim 1, Lumsden teaches a method for real-time distillation of a source document, comprising:

Art Unit: 2177

- “receiving search criteria from a client; searching at least one source based on the search criteria, determining search results responsive to said searching” at Col. 5 line 60 to Col. 6 line 15;
- “distilling a selected one of the search results in substantially real time relative to the time of selection, wherein the distillation occurs in accordance with at least one data type criterion selected from a plurality of predefined data type criteria” at Col. 6 line 48 to Col. 7 line 22;
- “creating a distilled version of the selected search result, wherein the distilled version contains predefined content from the selected search result in accordance with the selected data type criteria” at Col. 6 line 48 to Col 7 line 22.

As per claim 2, Lumsden teaches the method as in claim 1, further comprising the step of “creating an index in the distilled version wherein the index allows selective entry into the content of the corresponding search result” at Col. 7 lines 1-22.

As per claim 6, Lumsden teaches a method for displaying search results, comprising:

- “receiving search criteria from a client; searching at least one source based on the search criteria; determining search results responsive to said searching, the search results comprising source documents” at Col. 5 lines 60 to Col. 6 line 15;
- “selecting one of the source documents, the selected document having a first content” at Col. 6 lines 48-50;
- “at substantially the time of selection, distilling the selected source documents into result object, wherein the result object includes a second content and the

Art Unit: 2177

second content is derived from the first content in accordance with at least one predefined distillation criterion” at Col. 6 lines 48-67;

- “and creating an index from the result object into the selected source document, wherein selection of the index provides a display of a corresponding portion of the first content” at Col. 7 lines 1-22.

As per claim 10, Lumsden teaches a method for displaying search results, comprising:

- “receiving search criteria from a client; searching at least one source based on the search criteria; determining a plurality of search results responsive to said searching” Col. 5 lines 60 to Col. 6 line 15;
- “distilling a selected one of the search results into a result object” at Col. 6 lines 48-67;
- “creating a mid-menu that corresponds to the result object, the mid-menu comprising a plurality of menu options, each menu option including at least one result category” at Col. 6 line 67 to Col. 7 line 22;
- “and a content metric, the content metric being a measure of a relative value of the result category” at Fig. 5;
- “displaying the mid-menu” at Col. 6 lines 67 to Col. 7 line 22.

As per claim 11, Lumsden teaches the method as in claim 10, wherein “the content metric comprises a quantitative measure of the relative value of the result category” at Col. 7 lines 48-53 and Fig. 5.

As per claim 12, Lumsden teaches the method as in claim 11, wherein “the quantitative measure comprises a number of results for each the result category” at Fig. 5.

As per claim 13, Lumsden teaches the method as in claim 11, wherein “the quantitative measure comprises a number of occurrences of pre-specified data” at Col. 6 lines 55-67 and Fig. 5.

As per claim 14, Lumsden teaches the method as in claim 10, wherein “the content metric comprises a qualitative measure of the relative value of the result category” at Col. 7 lines 48-53 and Fig. 5.

As per claim 15, Lumsden teaches the method as in claim 14, wherein “the qualitative measure comprises an indicator of the relevance of the results of the result category to the search criteria” at Col. 7 lines 48-53 and Fig. 5.

As per claim 16, Lumsden teaches the method as in claim 10, wherein “at least one category comprises a data type” at Col. 6 lines 48-67.

As per claim 17, Lumsden teaches the method as in claim 10, wherein “at least one category comprises a user-defined type” at Col. 6 lines 48-67.

As per claim 18, Lumsden teaches the method as in claim 10, additionally comprising “determining user preferences, and dynamically creating the mid-menu in accordance with the user preferences” at Col. 5 lines 60-65 and Col. 6 lines 48-67.

As per claim 19, Lumsden teaches a method for displaying search results, comprising:

Art Unit: 2177

- “receiving search criteria from a client; searching a plurality of sources based on the search criteria; determining search results responsive to said searching” at Col. 5 lines 60 to Col. 6 line 15;
- “distilling a selected one of the search results into a result object” at Col. 6 lines 48-60;
- “determining user preferences” at Col. 6 lines 60-67;
- “creating a mid-menu in accordance with the user preferences, the mid-menu corresponding to the result object and comprising a plurality of menu options, each menu option including a result category, each result category having a number of results” at Col. 6 line 67 to Col. 7 line 22;
- “and a content metric for each result category, the content metric being a measure of the value of the result category” at Fig. 5;
- “and displaying the mid-menu” at Col. 7 lines 1-22.

As per claim 20, Lumsden teaches the method as in claim 19, wherein “the content metric comprises a quantitative measure for each result category” at Fig. 5.

As per claim 21, Lumsden teaches the method as in claim 19, wherein “the content metric comprises a qualitative measure for each result category” at Fig. 5.

As per claim 22, Lumsden teaches a method for searching, comprising:

- “receiving search criteria; searching at least one body of knowledge based on the search criteria; providing a plurality of search results that are responsive to the searching” at Col. 5 lines 60 to Col. 6 line 15;

- “displaying on a display device a list of at least some of the search results, the list comprising: a separate and unique identifier corresponding to each one of the search results in the list” at Col. 6 lines 5-25 and Fig. 5; and
- “a separate distillation trigger associated with each unique identifier” at Col. 6 lines 15-25 and Fig. 5, element 76;
- “wherein selection by a user of a distillation trigger causes a substantial real-time creation of a distilled version of the search result corresponding to the unique identifier associated with the selected distillation trigger” at Col. 6 lines 48-67.

As per claim 23, Lumsden teaches the method as defined in claim 22, wherein “the unique identifier is a URL corresponding to the search result in the list” at Fig. 5.

As per claim 24, Lumsden teaches the method as defined in claim 22, wherein “the unique identifier is a title corresponding to the search result in the list” at Fig. 5.

As per claim 25, Lumsden teaches the method as defined in claim 22, wherein “the unique identifier is an abstract corresponding to the search result in the list” at Fig. 5.

As per claim 26, Lumsden teaches the method as defined in claim 22, wherein “selection by a user of the unique identifier causes a full content version of the corresponding search result to be displayed on the display device” at Col. 7 lines 35-50.

As per claim 27, Lumsden teaches the method as defined in claim 22, wherein “the distilled version includes content extracted from the corresponding search result in accordance with at least one predefined data type” at Col. 6 lines 48-67.

As per claim 28, Lumsden teaches the method as defined in claim 27, wherein “the at least one predefined data type is selected from one of the following data types: a key point; a focus word; a matched-in-context key point; a title; and a URL” at Col. 6 line 67 to Col. 7 line 22.

As per claim 29, Lumsden teaches the method as defined in claim 27, wherein “the at least one data type provides an index to content of the corresponding search result” at Col. 6 line 67 to Col. 7 line 22.

As per claim 30, Lumsden teaches the method as defined in claim 27, further comprising the steps of:

- “displaying the distilled version on the display device” at Col. 6 line 67 to Col. 7 line 22; and
- “wherein selection by a user of a predefined data type within the displayed distilled version causes a substantially real time entry into the content of the corresponding search result” at Col. 7 lines 12-22.

As per claim 31, Lumsden teaches the method as defined in claim 30, further comprising the step of “displaying a predefined portion of the content of the search result, wherein the predefined portion is adjacent to the data type selected by the user within the distilled version” at Col. 7 lines 12-22.

As per claim 32, Lumsden teaches the method as defined in claim 22, further comprising the step of “displaying the distilled version on the display device” at Col. 7 lines 1-22.

As per claim 33, Lumsden teaches the method as defined in claim 22, wherein “at least some of the search results are comprised of textual documents” at Col. 6 lines 5-25.

As per claim 34, Lumsden teaches a method for searching, comprising:

- “receiving search criteria; searching at least one body of knowledge based on the search criteria; providing a plurality of search results that are responsive to the searching” at Col. 5 line 60 to Col. 6 line 25;
- “distilling a selected one of the search results into a result object, the result object including content extracted from the selected search result in accordance with a plurality of data type preferences selected from a plurality of predefined data type preference types” at Col. 5 lines 60-65 and Col. 6 lines 48-67;
- “creating a menu corresponding to the result object, the menu including a plurality of menu options, wherein each menu option defines a result category that is descriptive of a predefined portion of the content of the result object” at Col. 6 line 67 to Col. 7 line 22; and
- “graphically displaying the menu on a display device, wherein a user may optionally select any one of the menu options” at Col. 6 line 67 to Col. 7 line 22.

As per claim 35, Lumsden teaches the method as defined in claim 34, wherein “at least one result category comprises one of the selected data type preference types used to distil the search result” at Col. 6 lines 48-67.

As per claim 36, Lumsden teaches the method as defined in claim 34, wherein “selection of a menu option causes a corresponding content portion of the result object to be displayed on the display device” at Col. 7 lines 12-22.

As per claim 37, Lumsden teaches the method as defined in claim 34, wherein “selection of a menu option causes a corresponding content portion of the selected search result to be displayed on the display device” at Col. 7 lines 12-22.

As per claim 38, Lumsden teaches the method as defined in claim 34, further comprising “a plurality of content metrics that are associated with a corresponding menu option, wherein each content metric is representative of a value for the result category of the menu option” at Fig. 5.

As per claim 39, Lumsden teaches the method as defined in claim 38, wherein “the value represented by the content metric is a quantitative measure of the corresponding result category” at Fig. 5.

As per claim 40, Lumsden teaches the method as defined in claim 39, wherein “the quantitative measure comprises a number of results for the corresponding result category” at Fig. 5.

As per claim 41, Lumsden teaches the method as defined in claim 39, wherein “the quantitative measure comprises a number of occurrences of a data type specified by the corresponding result category” at Col. 6 line 67 to Col. 7 line 22.

As per claim 42, Lumsden teaches the method as defined in claim 38, wherein “the value represented by the content metric is a qualitative measure of the corresponding result category” at Fig. 5.

As per claim 43, Lumsden teaches the method as defined in claim 42, wherein “the qualitative measure is indicative of the degree of relevance of the corresponding result category to the search criteria” at Col. 7 lines 48-53.

3. **Claims 44-46 are rejected under 35 U.S.C. 102(b)** as being anticipated by **Rubinstein et al.** (US 5,913,215), hereinafter referred to as “Rubinstein”.

As per claim 44, Rubinstein teaches the method for searching, comprising:

- “receiving search criteria” at Col. 21 lines 27-28;
- “searching at least one body of knowledge based on the search criteria” at Col. 21 lines 29-30;
- “providing a plurality of search results that are responsive to the searching, wherein at least one of the search results is a document comprised of text content” at Col. 7 lines 40-50, Col. 21 lines 35-39 and Fig. 2;
- “selecting one of the text-content document search results; and at substantially the time of selection, distilling the selected document, wherein the step of distilling comprises the following steps: extracting content from the selected document in accordance with a plurality of data type rules” at Col. 7 line 55 to Col. 8 line 15, Col. 21 lines 53-58;
- “deriving a plurality of key points from the text content of the selected document, wherein key points are at least partially identified by locating text portions within the document that contain predefined verb types” at Col. 8 line 25 to Col. 9 line 25;

- “and generating a reduced content distilled document that contains at least a portion of the extracted content and at least one of the key points” at Col. 7 line 55 to Col. 8 line 15.

As per claim 45, Rubinstein teaches the method as defined in claim 44, further comprising the step of “displaying the reduced content distilled document on a display device” at Fig. 2, element 270 and Fig. 15.

As per claim 46, Rubinstein teaches the method as defined in claim 44, wherein “the step of deriving key points comprises:

- “segmenting the text content of the selected document into a plurality of separate textual components” at Col. 8 line 25 to Col. 9 line 25;
- “identifying whether verbs are present within the textual components; comparing identified verbs to a predefined hierarchy of verb sequences; and based upon the results of the comparison, identifying which of the identified verbs are used in identifying key points” at Col. 8 line 25 to Col. 9 line 25.

Response to Arguments

2. Applicant's arguments filed January 9, 2004 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's arguments.

Applicant argued that Lumsden (US 6,006,217 A) does not teach the step of: “creating a distilled version of the selected result, wherein the distilled version contains predefined content from the select search result in accordance with the selected data type criteria”. The examiner respectfully disagrees.

Lumsden teaches a method for providing enhanced search results for searches for document on the Internet by modifying the search result document selected by user so that "a portion of the document containing the first occurrence of a matching keyword is initially display to the user. The user may then navigate within the document to the next sequential keyword occurrence by selecting the display keyword within the document." (Col. 7 lines 15-25.) Using Lumsden's method, "the user can quickly determine whether or not the document contains information which the user is seeking" because user only view the relevant portions of the search result document instead of viewing the whole document. Lumsden's enhance document returned to user is therefore a "distilled version", or "reduced content" version of the search result document. From the users point of view, the content of the search result document is significantly reduced because they can view only the portions containing the matching keywords. This is similar to the structure of applicant's example of the distilled document recited below:

"Key points can also be generated by matching words from the user's search criteria to the same words in the source document. As a result, matched-in-context key points are created. For example, if the user's search criteria is "venture capital", matched-in-context key points from a source document comprise:

"Maurice Young Entrepreneurship and **Venture Capital** Research Center at the Faculty of Commerce, University of British Columbia."

"...**Venture Capital** Consultants. Visit our roster of venture capital consultants, including business plan, legal, and marketing..."

"**Venture Capital** Information Sources learn from our listing of **venture capital** information source, including libraries..."

(Applicant's specification, page 30, lines 13-27)

Art Unit: 2177

The enhance document is also "in accordance with at least one data type criterion", which is the search criteria (i.e., keywords) entered by user. The enhance document is also generated "substantially in real time" because it is generated and presented to the user immediately after the user requesting the enhance document by selecting "GET ENHANCED DOCUMENT" as seen in Fig. 5.

Regarding claims 44-46, applicant argued that Rubinstein does not teach: "at substantially the time of selection of one of the search results, the selected document be distilled". The examiner respectfully disagrees. First, Applicant incorrectly assumed that in Rubinstein, "each of the document in the database being searched has been **previously** linguistically analyzed to identify the keyword phrases contained within each document, and to create an abstract of each document in the database", and therefore incorrectly concluded that Rubinstein does not teach the step of generating the abstract "at substantially the time of selection of one of the search result". In fact, Rubinstein performs the "linguistically analyzing" in real time, **after** receiving user's query, and generated web page abstract based on the linguistic analysis of the selected web page **after** user selection of the web page, as evidenced at Col. 21 recited below:

- "prompting a computer-user to construct a search expression" at lines 27-28;
- "communicating the search expression to a plurality of web searching engine... identify web pages containing text consistent with the search expression" at lines 29-35;
- "linguistically analyzing the identified web page to obtain keyword phrases" at lines 36-37;
- "displaying the keyword phrases obtained from the identified web pages..." at lines 38-39;
- "detecting user selection of one of the keyword phrases" at lines 53-54;

- "determining one of the identified web pages... displaying a web page abstract generated based on linguistic analysis of the one of the identified web pages" at lines 55-58.

Applicant also argued that Rubinstein does not teach the step of: "extracting content from the selected document in according to a plurality of data type rules". On the contrary, Rubinstein generates the web page abstract based on linguistic analysis, which comprises a plurality of data type rules at Col. 8 line 35 to Col. 9 line 5.

In light of the foregoing arguments, the 35 U.S.C 102 rejections are hereby sustained.

Conclusion

3. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.

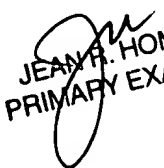
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (703) 308-7299. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh B. Pham
Examiner
Art Unit 2177

KBP
February 25, 2004


JEAN R. HOMERE
PRIMARY EXAMINER